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10/604,118	06/26/2003	Ray D. Heineman	3023752 US01	1117

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EXAMINER

CHEN, TIANJIE

ART UNIT	PAPER NUMBER
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2627

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/604,118

Applicant(s)

HEINEMAN ET AL.

Examiner

Tianjie Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 2-6 and 12-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 56-58 is/are rejected.
- 7) ☒ Claim(s) 7-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892).
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

Non-Final Rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dimitri (US 5,818,723) in view of Hidano et al (US 5,442,500).

Claim 1, Dimitri shows a magazine-based data cartridge library including: a shelf system 66 etc., located within the library, for supporting at least two data cartridge magazines 22 and including at least one shelf; a drive 56 (Fig. 2; column 4, line 40) that is located within the library; a magazine transport device (Fig. 5), located within the library, for moving a data cartridge magazine within a portion of an interior space defined by the library; a cartridge transport device 54, located within the cabinet, for moving a data cartridge between one of the data cartridge magazines and the drive (Fig. 3; column 4, lines 37-40).

Dimitri does not show a cabinet and an entry/exit port for conveying one of the data cartridge magazines between an environment that is exterior to the cabinet and the interior space; wherein the interior space is accessible to the magazine transport device so that the magazine transport device can move one of the data cartridge magazines between the interior space and the shelf of the shelf system.

Hidano et al shows a magazine based library, which has a cabinet for accommodating all the elements, and an entry/exit port 51 (Fig. 1, column 4, lines 46-50) for conveying one of the data cartridge magazines between an environment that is exterior to the cabinet and the interior space.

It would have been obvious at the time the invention was made that one of ordinary skill in the art would apply the cabinet taught by Hidano et al onto Dimitri's device. The rationale is as follows: Dimitri discloses a library, which has to be accommodated in some way but Dimitri does not specify it. Hidano et al shows a library, which is accommodated in a cabinet; and accommodating a library in a cabinet is a common practice in the art. One of ordinary skill in the art would have been expecting that Dimitri's library should have also been accommodated in a cabinet. Hidano et al further shows that there is a magazine entry/exit port formed on the cabinet and teaches that it allows the magazine to be inserted and removed from the cabinet (Figs. 1 and 2; column 7, lines 40-55). One of ordinary skill in the art would have been motivated to include the entry/exit port on the cabinet for being able to exchanging the magazine with outside.

Such constructed device, is a magazine-based data cartridge library including: a cabinet; a shelf system, located within the cabinet, for supporting at least two data cartridge magazines and including at least one shelf; a drive that is located within the cabinet; a magazine transport device, located within the cabinet, for moving a data cartridge magazine within a portion of an interior space defined by the cabinet; a cartridge transport device, located within the cabinet, for moving a data cartridge between one of the data cartridge magazines and the drive; and an entry/exit port for

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conveying one of the data cartridge magazines between an environment that is exterior to the cabinet and the interior space. Since in Dimitri's device the magazine transporting device can access all the magazines, thus in the combined device, the interior space accommodates a magazine, therefore, is accessible to the magazine transport device so that the magazine transport device can move one of the data cartridge magazines between the interior space and the shelf of the shelf system.

Claim 56, the above constructed Dimitri and Hidano et al's device is magazine-based data cartridge library including: a cabinet defining an interior space; a shelf system in the interior space adapted to support at least a first and second data cartridge magazine; at least a first drive in the interior space adapted to read and write data on a data cartridge; a magazine transport device capable of transporting within the interior space one of the magazines from the shelf system to a position for a cartridge transport to move at least one data cartridge from the data cartridge magazine to a cooperating relationship with the first drive; and an entry/exit port capable of receiving one of the magazines from outside the interior space wherein the magazine transport device is capable of moving the magazine within the interior space to the shelf system.

Claim 57, Dimitri shows that the magazine transport device is robotic.

Claim 58, the above constructed device a magazine-based data cartridge library including: a cabinet defining an interior space; a shelf system adapted to support at least a first and second data cartridge magazine, each of the data cartridge magazines supporting at least one corresponding data cartridge; at least a first drive adapted to read and write data to and from a at least one of the data cartridges; and an entry/exit port capable of receiving one of the magazines into the interior space from outside the

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interior space wherein the magazine is movable within the interior space and a magazine transport device: confined to the interior space and adapted to move one of the magazines received by the entry/exit port within the interior space either to the shelf system or to a location in proximity to the drive, the location is other than the shelf system, whereby at least one of the data cartridges corresponding to the and supported by the one of the magazines received by the entry/exit port is made available for use by the drive.

Allowable Subject Matter

2. Claims 7-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

- Claim 7, as the closest reference, the combination of Dimitri (US 5,818,723) and Hidano et al (US 5,442,500) shows a magazine-based data cartridge library including: a cabinet; at least two data cartridge magazines; a magazine transport device, an entry/exit port for conveying a data cartridge magazine between an environment that is exterior to the cabinet and a space that is interior to the cabinet; the entry/exit port includes a tray; wherein the tray is comprised of a planar surface; **but fails to show** a first end surface that is operatively connected to the planar surface and extends away from the planar surface, a second end surface, and means for allowing the second end surface to move between: (a) a first position that is **in opposition** to the first end

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surface to prevent movement of a data cartridge magazine in a direction with a component transverse to the first and second end surfaces, and (b) a second position that is **not in opposition** to the first surface so that a data cartridge magazine can be moved in a direction with a component transverse to the first and second end surfaces.

- Applicant asserts that movable end wall (first surface) is comprised of an S-shaped member that is pivotally attached to brackets as shown in Fig. 18C, to prevent a magazine from entering the operational space of the magazine transport and cartridge transport in an uncontrolled fashion. Moving S-shaped member into the second position so that the magazine transport either remove a magazine from the tray or associate a magazine with the tray ([0121]).

Response to Arguments

3. Applicant's arguments with respect to claim s have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


TIANJIE CHEN
PRIMARY EXAMINER